

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2502

IN THE MATTER OF:

Served November 22, 1983

Application of BABEL TRAVEL )  
SERVICE, INC., for a Certificate )  
of Public Convenience and Necessity )  
to Conduct Charter and Special )  
Operations )

Case No. AP-83-46

By application filed August 16, 1983, Babel Travel Service, Inc., seeks a certificate of public convenience and necessity to transport passengers and their baggage, in special and charter operations, between points in the Metropolitan District in 15-passenger vans. Applicant proposes to serve tourists arriving in the Washington area from abroad, chiefly Latin America, Italy, France, Germany and Spain. Inasmuch as many of its clients cannot speak English, Babel provides both foreign-language escorts to assist the clients at the airport and the hotels and foreign-language sightseeing guides for tours. Public hearing on this application was held September 28, 1983. Airport Limo, Inc., and AMA Tours filed protests to the application but neither party appeared in opposition.

The vice-president of Babel testified that transportation services are provided primarily in conjunction with comprehensive tour packages offered by tour brokers and travel wholesalers located in Orlando, Fla., New York, N.Y., Rutherford, N.J., and in foreign countries. The brokers or wholesalers arrange air and ground transportation, hotel accommodations, sightseeing tours and other events. After being advised that authority from the Commission was required to conduct transportation service between points in the Metropolitan District, the witness stated that Babel ceased operations and filed an application for temporary authority. Upon issuance of temporary authority, applicant resumed providing service.

Applicant operates four vans with a maximum seating capacity of 15 passengers including the driver. Routine maintenance and driver training procedures were explained by the witness. He also testified as to the current marketing program and stated that, for groups of ten to fifteen passengers, Babel provides service itself while larger groups are transported through arrangement with certificated carriers operating larger vehicles. While service is now provided primarily for Spanish- and Portuguese-speaking tourists, Babel seeks to expand into other foreign-language markets. Most of the service is provided

through arrangement with tour brokers but the carrier intends to seek additional clients from hotel guests and the general public.

Applicant's proposed tariff is based on the number of people in a group, with the quoted per-person rate decreasing as the group size increases. The tariff does not, however, include a straight hourly rate for service as is customary for charter work in the Metropolitan District. The practical problem is that tours are pre-arranged overseas as part of a large tour package with the resulting prices and destinations varying with the size and desire of each group. The proposed rate structure follows:

SIGHTSEEING

NUMBER OF PASSENGERS

	1	2	3-5	6-14	15-30	31+
D. C. & Arlington Cemetery	\$32	\$16	\$15	\$14	\$13	\$11
Alexandria & Mt. Vernon	36	18	16.50	15.25	14.50	13.50
D. C. at Night	34	17	16	15	13	11
Residential & Shopping Areas	36	18	16.50	15.25	14.50	13.50

TRANSFERS

Washington National Airport						
or Bus/Train Terminals	21	10.50	8.50	7.50	6.75	6.50
Dulles International Airport	32	16	12.75	11.50	9.75	8.50

These prices include the foreign-language escort/guide but exclude gratuities, which may not be included in a carrier's charges without approval by the Commission.

In support of the application nine witnesses testified regarding the need for foreign-language sightseeing tour service in the Metropolitan District. The first witness, owner of a tour guide service in the District of Columbia, testified her company provides tour guides to applicant on demand. She further testified her company plans to continue its relationship with applicant, should this application be granted, by referring the sightseeing business of small groups and families to applicant.

The owner of a tour management company located in the District of Columbia testified on behalf of her company and a trade association of local tour and convention management companies in her capacity as president of that association. She testified that she plans to use applicant's tour guide services for small family units since Babel has demonstrated an ability to provide such service economically. She emphasized the importance of Babel's multilingual capability and noted that she was aware of no other companies presently providing such

service. She is satisfied applicant will provide adequate service and estimated she will refer between 50 and 70 individuals to Babel over the next 12 months.

The director of a tour broker located in New York City testified his company has used the services of applicant for 10 or 11 years. He explained he is responsible for arranging tours in North America and throughout the Caribbean. His responsibilities include coordination of ground transportation services at the destination city. He explained that applicant has successfully coordinated the service for him in the Metropolitan District. Such service includes providing transportation and guides, and arranging restaurant reservations. He emphasized the need for Babel's multilingual service and, if the application is granted, he will be able to broaden the scope of his company's patrons. His company currently uses Babel, operating under its temporary authority, approximately five times monthly.

The president of another tour broker from New York echoed the foregoing sentiments and noted he has been satisfied with the services of Babel throughout his relationship with that carrier which began in 1977. As in the foregoing scenario, the broker has employed applicant in arranging local sightseeing transportation service. Yet another tour broker from New York adopted the foregoing testimony.

The resident manager of the Washington Marriott Hotel stated that Babel presently arranges tour service for large groups of Spanish-speaking guests as well as assisting with check-in and check-out and other facets of overseas travel. A grant of authority herein would enable the hotel to refer foreign-language speaking guests to Babel for local tour service, according to the witness, because existing limousine (sedan rather than van) service is too expensive. Guests would normally want a tour that would include the White House and the monuments as well as trips to suburban shopping areas.

The travel industry sales manager of the Hyatt Regency Washington testified that she has used Babel's service provided pursuant to temporary authority for airport transfers and tour service. The personal service, particularly for the Latin American market, has helped the hotel develop business from that locale. Service requirements include the White House and Capitol, as well as monuments and shopping trips.

Witnesses representing the Shoreham Hotel and the International Hotel stated that their testimony would be similar to that of the other hotel witnesses.

After the filing of briefs, applicant filed a petition for reopening accompanied by tendered verified statements from Tony Cueto, Margaret Poswistilo and Yale Feldman. These affidavits establish

further the need for applicant to provide special operations to both English-speaking and foreign-language clientele.

Compact, Title II, Article XII, Section 4(b), provides that a certificate of public convenience and necessity shall be issued by the Commission if it finds ". . . that the applicant is fit, willing and able to perform such transportation properly and to conform to the provisions of this Act and the rules, regulations, and requirements of the Commission thereunder, and that such transportation is or will be required by the public convenience and necessity; otherwise, such application shall be denied."

A finding of fitness is a prerequisite under the Compact to a grant of authority, and applicant has the burden of establishing its fitness properly to perform the proposed service in keeping with the terms and conditions of the applicable statutory and Commission requirements. The Commission does not believe the prior operations conducted by applicant, in consideration of the circumstances surrounding such operations, warrant the conclusion applicant will not, in the future, comply with pertinent regulatory requirements. Applicant ceased operations and filed appropriate applications expeditiously after being informed last April of the need to do so, thus supporting the conclusion applicant does not intend to disregard the provisions of the Compact and the Commission's rules, regulations and orders thereunder. Indeed, applicant applied for and obtained temporary authority pending resolution of this application proceeding, further demonstrating its willingness to comply with applicable regulatory requirements.

The evidence demonstrates applicant is financially able to provide the proposed transportation service. Applicant has sufficiently demonstrated the ability to provide the proposed service in a reasonably efficient, expeditious and safe manner. From the financial data submitted, we conclude the proposed operations are financially viable, and applicant's vehicles are suitable for such service.

The Commission must also consider whether the subject transportation is required by the public convenience and necessity, as required by Title II, Article XII, Section 4(b) of the Compact. Based upon the evidence elicited at the public hearing, the public has a need for the type of service proposed. Although certificated carriers exist which provide structured sightseeing tours, none appeared in opposition to the application. The witnesses testified concerning the need for applicant's personalized, multilingual sightseeing service. The testimony demonstrates applicant is experienced in providing sightseeing tours and witnesses generally were satisfied with Babel's service. Applicant's ability to tailor service to the specific demands of foreign tour groups was cited by many of the witnesses appearing in support of the application, and there is also a need for service to

domestic and foreign individuals who seek sightseeing service without being part of a preformed group. The testimony of the witnesses and the failure of any protestants to appear at the hearing demonstrates the grant of authority made herein will not have a materially adverse effect on existing carriers.

While most service is arranged by travel agents and tour brokers outside this country, there was also testimony indicating a need for tour transportation arranged at local hotels and travel agents. With respect to Babel's proposed tariff, the rate structure will be allowed to stand as a charter rate established at a per passenger price depending on the number of passengers in the preformed group, in keeping with the packaged tour industry standard. A tariff containing rates for special operations, which rates should be harmonious with those already considered herein, must be filed.

THEREFORE, IT IS ORDERED:

1. That the petition of Babel Travel Service, Inc., to reopen this proceeding is hereby granted and the tendered affidavits are hereby accepted for filing.

2. That Babel Travel Service, Inc., is hereby granted authority to transport passengers, together with baggage in the same vehicle with passengers, in special and charter operations, between points in the Metropolitan District, restricted to transportation in vehicles with a manufacturer's designed seating capacity for 15 passengers or less (including the driver), and restricted against transportation between points located solely in the Commonwealth of Virginia, and further restricted against transportation described in Commission Regulation No. 70.

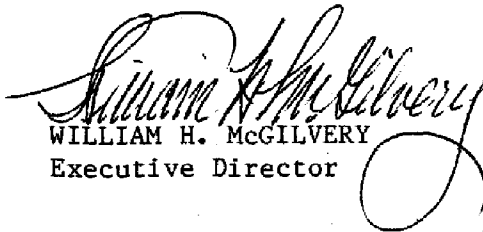
3. That Babel Travel Service, Inc., is hereby directed to file an affidavit of compliance with Commission Regulation No. 68 governing identification of motor vehicles, for which purpose WMATC No. 103 is hereby assigned.

4. That Babel Travel Service, Inc., is hereby directed to file two copies of its WMATC Tariff No. 1 as required by Commission Regulation No. 55, such tariff to be effective upon acceptance by the Commission.

5. That upon timely compliance by Babel Travel Service, Inc., with the foregoing directives, an appropriate certificate of public convenience and necessity will be issued and the grant of temporary authority issued to Babel Travel Service, Inc., will stand terminated.

6. That unless compliance with the provisions of the preceding paragraph is effected within 30 days from the date of service hereof or such additional time as the Commission may authorize, the grant of authority made herein shall be void and the application shall stand denied in its entirety effective upon expiration of the said compliance time.

BY DIRECTION OF THE COMMISSION, COMMISSIONERS WORTHY, SCHIFTER AND SHANNON:

  
WILLIAM H. MCGILVERY  
Executive Director